

# STATE OF NEW HAMPSHIRE

## PROBATE COURT

### PROCEDURE BULLETIN 11

#### RELATIVE TO: Appearances and Withdrawals

**This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.**

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Probate Court Rules 14 and 20 govern appearances and withdrawals generally, and this bulletin should be read in conjunction with those rules. When an attorney files an appearance/withdrawal form (Form NHJB-2119-P), both the attorney and that attorney's law firm are indicated as representing the party. Accordingly, if a court subsequently receives a document for filing that is signed by an attorney from the same law firm but who was not indicated on the appearance/withdrawal form, a withdrawal by the original attorney and an appearance by the second attorney are not automatically required.

Courts will require an appearance/withdrawal form from attorneys and/or law firms involved in the representation of a party when notified that:

- A. Representation of the party is transferred from the attorney filing the original appearance/withdrawal form to a different attorney at the indicated law firm, regardless of whether or not the original attorney remains at the indicated law firm.
- B. Representation of the party is maintained by the attorney filing the original appearance/withdrawal form, but the attorney has relocated to a different law firm than the one indicated on the form.

It is incumbent upon attorneys and their law firms to file prompt and accurate appearance/withdrawal forms whenever there are changes in the representation of parties to ensure that the court and all parties appearing of record send pleadings and notices to the correct attorney at the correct address.

Additionally, courts should not be holding up processing final accounts because creditors have not filed withdrawals, assuming the account is otherwise in order and ready to be presented to the judge. If a creditor is paid during the pendency of the estate, and

wants to be out of the case, they may file a withdrawal, pursuant to Probate Court Rule 20, after which they are no longer entitled to notice. Moreover, closure of a file is not dependant on the filing of withdrawals by any party.

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\_\_\_\_\_/s/ David D. King  
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History:

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